



## Certified Professional Guardian Board Meeting

Monday, October 14, 2013 (9:00 a.m. – 2:00 p.m.)  
SeaTac Office Center, 18000 International Blvd., Suite 1106,  
SeaTac, WA

### Meeting Minutes

#### Members Present

Judge James Lawler, Chair  
Judge Robert Swisher, Vice-Chair  
Commissioner Rachelle Anderson  
Mr. Gary Beagle  
Ms. Rosslyn Bethmann  
Dr. Barbara Cochrane  
Ms. Nancy Dapper  
Mr. Andrew Heinz  
Mr. Bill Jaback  
Judge Sally Olsen  
Ms. Emily Rogers  
Ms. Carol Sloan  
Mr. Gerald Tarutis

#### Members Absent

Mr. Bill Jaback

#### Staff

Ms. Shirley Bondon  
Ms. Carla Montejo  
Ms. Sally Rees  
Ms. Kim Rood

#### 1. Call to Order

Judge James Lawler called the meeting to order at 9:05 a.m.

#### 2. Welcome and Introductions

##### Introductions

Judge Lawler introduced new board member Mr. Gerry Tarutis, representing the Washington State Bar Association. Also introduced were the two Certified Professional Guardian Board (CPG) Grievance Investigators, Ms. Carla Montejo and Ms. Sally Rees.

Judge Lawler thanked Ms. Robin Balsam for her years of service to the Board and awarded her a plaque along with a letter of thank you from Chief Justice Barbara Madsen.

#### 3. Board Business

##### Approval of Minutes

Judge Lawler asked for changes or corrections to the September 9, 2013 proposed minutes. There were no changes or corrections.

**Motion:** *A motion was made and seconded to approve minutes from the September 9, 2013 meeting. The motion passed.*

##### Approved 2014 Meeting Schedule

Judge Lawler noted the meeting schedule for 2014 was included in the meeting materials.

Revised 2014 Committee List

Judge Lawler asked Board members to look over the 2013-2014 updated Committee List included in the meeting materials.

Reply Brief of Lori Petersen

Judge Lawler stated that oral arguments in the above matter have been calendared for November 12, 2013. The Assistant Attorney General, representing the Board, submitted a motion to strike documents submitted by Ms. Petersen, which were not part of the record. The motion to strike was approved October 11, 2013.

Correspondence

- Bridge Builders - No additional information was provided to Board members. The letters were self-explanatory. No additional action was taken.
- Washington Association of Professional Guardians (WAPG)  
WAPG representatives addressed the Board later during the meeting.

Grievance Data

Staff reported that the two grievance investigators had reviewed all grievances filed since 2010 and collected data that they plan to use to develop an annual report.

**4. Public Comment Period (please see attached).**

**5. Dialogue with WAPG**

Judge Lawler explained that the Board received a request from WAPG to meet with the Board and discuss three issues: (1) communication between the Board and WAPG; (2) events that trigger or influence consideration of a rule, regulation or policy revision or adoption; and (3) the deliberative process used by the Board to consider, adopt or revise a rule, regulation, or policy regarding the practice of guardianship.

Judge Lawler stated that he had received comments regarding the issues above ranging from “*the Board regulates guardians too much*” to “*the Board isn’t reining in guardians enough*”. The range of comments illustrates the Board’s difficult task. Ms. Glenda Voller, WAPG President, began the discussion by thanking the Board for the opportunity to express concerns. Ms. Voller distributed documents to the Board, which were also included in the September 9, 2013 Board meeting materials. Ms. Voller explained that WAPG initiated the legislation which established the Board. Guardians had a key role in developing the initial regulations and standards of practice. WAPG initially facilitated the environment that the Board works in today.

WAPG representatives raised the following concerns:

- Although current Board minutes were posted prior to today’s meeting, CPG Board meeting minutes are not always posted to the website in a timely manner.

- WAPG members believe they have been unfairly set aside by the Board. CPGs are doing the work that the Board monitors and should not be treated like the public. WAPG's communication with the Board should not be limited to participating in the oral public comment period held during Board meetings, and providing written comments to proposed regulations and standards of practice.
- WAPG would like to see more CPGs on the Board and have more opportunities to communicate with the Board. Other regulatory boards allow a greater number of professionals regulated by the board to serve as members. The Board of Dentistry allows 50% representation by dentists. Given the current membership of the Board, two CPGs could be added. (*This is incorrect. Given the current membership of 13, per GR 23, one CPG could be added to the Board*).
- Regulations currently being considered by the Board could have been better written with direct input of CPGs. A few guardians with subject matter expertise should be allowed to develop rules, regulations and standards in partnership with Board members.
- Currently there are only two CPGs on the Board and they both represent CPG agencies.
- Ms. Voller asked the Board to define its process for deciding whether an issue becomes a Board issue, policy or protocol. Judge Lawler noted that many of the issues, policies and standards are brought about by events in the courtroom and around the state, such as the meaningful visit issue.

A member of the Regulations Committee noted that generally issues are addressed in committee first. When an issue is discussed in a committee, the committee votes on it before it goes before the Board. Proposed regulations and standards of practice are posted for public comment before they are passed. Often, depending on the public comments received, the Board will often ask the Regulations Committee to revise draft regulations and standards of practice. He further stated that in an effort to address concerns raised by others, the Regulations Committee is currently reviewing all regulations. Judge Lawler stated that regulations and standards of practice have been developed in this same manner throughout his four-year involvement with the Board.

WAPG members made the following comments:

- Sometime ago, WAPG asked the Board to add WAPG members who were not Board members to Board committees. The Board rejected this request, stating potential conflicts.
- WAPG would like to see the Board mail a hard copy of all rules and regulations and standards to each CPG in the state. A Board member stated

that this was not a function of the Board, and perhaps WAPG should consider mailing regulations to CPGs.

- WAPG or the Board should hold forums around the state to receive comments on proposed regulations and standards of practice.
- The public comment period for Regulation 500 should be extended.
- There are many ways to include guardians in discussion, including phone and e-mail discussions and meetings. Including CPGs is not about making them happy, but about doing a better job.
- Board members must balance the academic perspective with how work is actually performed.

Comments from members of the public:

- WAPG has only recently began to attend CPG Board members regularly.
- More dialogue that includes all stakeholders is productive.

In closing, Judge Lawler thanked WAPG for initiating the dialogue and acknowledged their concerns regarding timely posting of meeting minutes and the number of CPGs serving on the Board. He stated that the Board will consider those concerns as well as other opportunities for both the public and certified professional guardians to provide input to the Board.

A Board member asked Ms. Voller to elaborate regarding her statement that AOC staff were harassing CPGs. Ms. Voller stated that she was not able to comment. Judge Lawler encouraged WAPG members to contact him directly to discuss concerns about perceived harassment.

## **6. Washington State Patrol (WSP)**

### **Rap Back Program**

Staff summarized the program for the Board. WSP would like feedback regarding legislation it is considering involving background checks. According to communication received from WSP, Rap Back is a program that would be used with fingerprint records already on file with the state. This program provides an option to pay a specified fee and receive notification of criminal history for two years, five years or indefinitely.

WSP was interested in knowing if the Board would be interested in supporting the proposed legislation and enrolling in the program if the legislation were adopted.

Currently, CPGs pay for one background check, via a onetime charge included in their application fee. The Board has considered requesting periodic updates. Participation in Rap Back could accomplish this. For existing CPGs a onetime

charge could be added to their recertification fee. General discussion followed, and several board members support enrollment. One member communicated that the Board might need to draft a new regulation to accomplish enrollment. The program is not yet available.

## 7. Regulations Committee

### Proposed Revision SOP 404.3 Meaningful Visit

Judge Olsen explained that a revision to SOP 404.3 Meaningful Visits had been considered several times. The current proposal, provided below, is a compromise between Board members who want CPGs to visit every month and members supporting delegation.

404.3 A certified professional guardian of the person, as a sole practitioner or agency, must ensure that the initial in-person visit and then one visit every three months is made by a certified professional guardian, unless otherwise approved by the court. For other meaningful in-person visits, a certified professional guardian, as a sole practitioner or agency, may delegate the responsibility for in-person visits with a client to: (a) a non-guardian employee of the certified professional guardian, sole practitioner or agency, (b) an independent contractor or (c) any individual who has been specifically approved by the court. In all cases, before the delegation, a certified professional guardian with final decision making authority on the case must document the suitability of the delegation, having considered: (a) the needs of the client, and (b) the education, training and experience of the delegate.

**Motion:** A motion was made and seconded to approve the proposed revision of SOP 404.3 as provided above. The motion passed.

## 8. Executive Session (Closed to Public)

## 9. Reconvene and Vote on Executive Session Discussion (Open to Public)

### Applications Committee

#### Individual Applications

Commissioner Anderson presented all applications on behalf of the Applications Committee.

**Motion:** A motion was made and seconded to deny Anita Byrd's application. The motion passed.

**Motion:** A motion was made and seconded to deny Krystal Ceron-Tapia's application. The motion passed. Mr. Beagle abstained.

**Motion:** A motion was made and seconded to conditionally approve Eleanor Doermann's application. The motion passed.

**Motion:** A motion was made and seconded to approve Joey Yourchek's application. The motion passed. Mr. Beagle abstained.

**Grievances**

Staff presented an Agreement Regarding Discipline to resolve CPG Grievance #2012-004.

**Motion:** *A motion was made and seconded to approve the Agreement Regarding Discipline resolving CPG Grievance # 2012 004 involving Patricia Joubert, CPG #10315. The motion passed.*

**Voluntary Surrender**

Staff presented a request to voluntary surrender certification from Sara Pugh (Flor) resolving CPG Grievance #2013-003; 2013-008; and 2013-030.

**Motion:** *A motion was made and seconded to approve the Voluntary Surrender of Certification from Sara J. Pugh (Flor) CPG#10785. The motion passed. Gary Beagle and Carol Sloan abstained.*

**10. Regulations Committee (continued)**

**Proposed Revised SOP 401.6 Standby Guardian**

Judge Olsen reported that the Regulations Committee has reviewed all public comments and wish to submit the revision below for board approval.

*401.6 All certified professional guardians and guardian agencies have a duty by statute to appoint a standby guardian. ~~In appointing a standby guardian it is the best practice to appoint a certified professional guardian unless otherwise authorized by the local court with jurisdiction.~~*

*401.6.1 All certified professional guardians shall appoint a standby guardian who is a certified professional guardian who accepts the appointment and has the skills, experience and availability to assume responsibility as court appointed guardian per statutory requirements.*

*401.6.2 The certified professional guardian will make available to the standby guardian those records and information needed to address the needs of the incapacitated person in the event of a planned or unplanned absence.*

**Motion:** *A motion was made and seconded to approve the proposed revision of SOP 401.6 as provided above. The motion passed.*

**11. Adjourn**

Meeting Adjourned at 2:10 p.m.

**Recap of Motions from October 14, 2013 Meeting**

<b>Motion Summary</b>	<b>Status</b>
<b>Motion:</b> <i>A motion was made and seconded to approve minutes from the September 9, 2013 meeting. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve the proposed revision of SOP 404.3. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to deny Anita Byrd's application. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to deny Krystal Ceron-Tapia's application. The motion passed. Mr. Beagle abstained from voting.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to conditionally approve Eleanor Doermann's application. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve Joey Yourchek's application. The motion passed. Mr. Beagle abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve the Agreement Regarding Discipline for Patricia Joubert, CPG #10315. The motion passed.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve the Voluntary Surrender of License for Certified Professional Guardian Sara J. Pugh (Flor) CPG#10785. The motion passed. Gary Beagle and Carol Sloan abstained.</i>	Passed
<b>Motion:</b> <i>A motion was made and seconded to approve the proposed revision of SOP 401.6. The motion passed.</i>	Passed